

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AMENDING SECTIONS 87.0920 AND 812.12089, ADDING SECTION 87.0921 TO CHAPTER 9 OF DIVISION 7 OF TITLE 8 OF THE SAN BERNARDINO COUNTY CODE AND REPEALING SECTION 86.080550 OF TITLE 8 ALL RELATING TO REGULATIONS FOR GLARE, OUTDOOR LIGHTING AND NIGHT SKY PROTECTION.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the County Code of the County of San Bernardino.

(b) This ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed changes do not have the potential to cause a significant effect on the environment.

(c) The residents of much of the Mountain and Desert Areas of the County currently enjoy a dark night sky unlike the residents of the more populated areas within the County. To preserve this dark night sky, two cities within the County and the County for a portion of the Morongo Basin have adopted ordinances setting outdoor lighting standards. This ordinance is consistent with the cities' ordinances, the previously adopted County ordinance and the desires of the residents of the Mountain and Desert Areas to provide broader protection of the night sky.

SECTION 2. Section 86.080550 of the San Bernardino County Code is repealed.

SECTION 3. Section 87.0920 of the San Bernardino County Code is amended, to read:

87.0920 Glare and Outdoor Lighting – Valley Area.

Commercial or industrial lighting shall be fully shielded in such a manner as to preclude light pollution or light trespass on any of the following: an abutting residential land use district; a residential lot; or public right-of-way. Direct or indirect light from any light fixture shall not cause glare above five-tenths (0.5) foot candles when measured at the property line of a residential land use district or lot or public right-of-way. Light levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. This section shall apply only to the Valley Area of the County.

SECTION 4. Section 87.0921 is added to Chapter 9 of Division 7 of Title 8 of the San Bernardino County Code, to read:

87.0921 Glare and Outdoor Lighting – Mountain and Desert Areas.

(a) The intent of this section is: to encourage effective, non-detrimental lighting; to maintain night-time safety, utility, security and productivity; and to encourage lighting practices and systems which will minimize light pollution, glare and light trespass, conserve energy and resources and curtail the degradation of the night time visual environment of the areas outlined below.

(b) This section shall apply only to the Mountain and Desert Areas of the County.

(c) Residential, Commercial and Industrial Land Use Districts Standards: The following standards are applicable to all structures and free standing outdoor light fixtures located within residential, commercial and industrial land use districts as identified on any official San Bernardino County Land Use District Map within the specified planning areas.

(1) Any new permitted lighting for new construction, unless exempt, shall be shielded in accordance with the requirements outlined in subsection (d) Shielding Requirements, below, to preclude light pollution or light trespass on adjacent property, on any

1 other property within the line of sight (direct or reflected) of the light source, or to any member of
2 the public who may be traveling on adjacent roadways or rights-of-way.

3 (2) Residential pole lighting shall not exceed 12 feet in height.

4 (3) Nonconforming Lighting: Existing nonconforming outdoor lighting fixtures
5 shall be allowed continued use, except that the lighting shall not be structurally altered so as to
6 extend its useful life, aside from regular maintenance. Should the Land Use Services Director,
7 or an authorized designee, determine that a nonconforming lighting fixture results in light
8 pollution or light trespass, the Land Use Services Director may require the light to either be
9 shielded, filtered, redirected, replaced with a less intense light source or otherwise modified
10 (including removal if necessary) to eliminate the light pollution or light trespass.

11 (A) In those cases where the Land Use Services Director has
12 determined that light pollution or light trespass exists, the Land Use Services Director, or an
13 authorized designee, may grant additional time for the property owner to remedy the light
14 pollution or light trespass where a hardship exists. In determining if a hardship exists, the
15 following factors shall be considered: 1) the degree of difficulty in accessing the fixture, 2)
16 financial difficulty or cost of correcting the light pollution or light trespass, 3) degree of light
17 pollution or light trespass, or 4) other similar issues. When a hardship exists and a request for
18 temporary relief from the immediate compliance of a remedy action has been submitted to the
19 Director of Land Use Services, the following findings must be made to grant the relief:

20 (I) There are special circumstances or conditions applying to
21 the land, building, or outdoor light fixtures for which temporary administrative relief is sought,
22 which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures
23 and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood.

24 (II) The granting of the temporary administrative relief will
25 generally be in harmony with the intent of this section and will not be injurious to the
26 neighborhood or otherwise detrimental to the public welfare.

27 (B) When a request for temporary relief has been submitted to the
28 Land Use Services Department in a hardship case, the Director, or an authorized designee,

1 shall make a determination within ten (10) business days from the date of the submission of the
2 request and promptly notify the applicant in writing of his/her decision. Temporary relief shall not
3 exceed a period of 90 days. The Director's determination may be appealed to the Planning
4 Commission within 10 days of the decision. Should additional time be required, the request
5 shall be forwarded to the Planning Commission for review and consideration through the
6 Temporary Use Permit process and requirements.

7 (C) The Land Use Services Director, or an authorized designee, may
8 forward the request for temporary relief to the Planning Commission based upon the degree of
9 light pollution or light trespass, costs of correcting the light pollution or light trespass or other
10 similar issues.

11 (D) In those cases where the Land Use Services Director has
12 determined that light pollution or light trespass exists, and that adjustment or removal of the
13 nonconforming light structure is required, the Land Use Services Director, or an authorized
14 designee, shall fix a time for the adjustment or removal of the nonconforming lighting fixture
15 commensurate with the investment value and related to the depreciated value of the lighting
16 fixture. Such determination may only be made after notice to the owner.

17 (E) Where the Land Use Services Director, or an authorized designee,
18 has determined the continued existence of a nonconforming light is detrimental to the public
19 health, safety or general welfare, or is a public nuisance, the use of such light could be
20 immediately terminated or abated in accordance with the following procedure. A public hearing
21 before the Planning Commission shall be used to process this termination or abatement. A
22 Notice of Termination and a copy of the findings shall be sent to the property owner at least
23 thirty (30) days prior to the public hearing. Public notice shall be given in accordance with the
24 provisions of Section 83.010330 of this Code. If a termination is ordered, the Planning
25 Commission may provide for a reasonable period of time to amortize any lawful existing uses
26 on the site. Extensions of this time period may be granted for good cause shown on later
27 application to the reviewing authority by any affected person.

1 (4) In commercial and industrial land use districts, fifty percent of all
2 nonconforming lighting fixtures within parking lots or within open lot sale areas shall be turned
3 off within one hour after closing or between the hours of 10:00 p.m. and sunrise, whichever
4 occurs first.

5 (A) In those cases where turning off fifty percent of the nonconforming
6 lighting fixtures would constitute a hardship, the Land Use Services Director, or an authorized
7 designee, may grant an administrative exemption based on the following findings:

8 (I) There are special circumstances or conditions applying to
9 the land, building, or outdoor light fixtures for which temporary administrative relief is sought,
10 which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures
11 and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood;

12 (II) The strict application of this section would deprive the
13 applicant reasonable use of the land, buildings, or outdoor fixtures;

14 (III) The granting of the temporary administrative relief will
15 generally be in harmony with the intent of this section and will not be injurious to the
16 neighborhood or otherwise detrimental to the public welfare.

17 (B) When a request for an administrative exemption has been
18 submitted to the Land Use Services Department in a hardship case, the Director, or an
19 authorized designee, shall make a determination within ten (10) business days from the date of
20 the submission of the request for an administrative exemption and promptly notify the applicant
21 in writing of his/her decision. The Director shall determine the period of administrative
22 exemption consistent with Section 87.0921(c)(4)(D) herein. The Director's determination may
23 be appealed to the Planning Commission within 10 days of the decision. Should additional
24 time be required, the request shall be forwarded to the Planning Commission for review and
25 consideration through the Temporary Use Permit process and requirements.

26 (C) The Land Use Services Director, or an authorized designee, may
27 forward the request for an administrative exemption to the Planning Commission based upon
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1 the degree of light pollution or light trespass, costs of correcting the light pollution or light
2 trespass or other similar issues.

3 (D) In those cases where the Land Use Services Director determines
4 that turning off fifty percent of the nonconforming lighting fixtures is a hardship to the business
5 operator, the Land Use Services Director, or an authorized designee, shall fix a time for the
6 termination of the use of the nonconforming lighting fixture commensurate with the investment
7 value and related to the depreciated value of the lighting fixture. Such determination may only
8 be made after notice to the owner.

9 (E) In those cases where the Land Use Services Director has
10 determined that light pollution or light trespass still exists even when fifty percent of all
11 nonconforming lights are turned off, and that adjustment or removal of the nonconforming light
12 structure(s) is required, the Land Use Services Director, or an authorized designee, shall fix a
13 time for the adjustment or removal of the nonconforming lighting fixture(s) commensurate with
14 the investment value and related to the depreciated value of the lighting fixture. Such
15 determination may only be made after notice to the owner.

16 (d) Shielding Requirements:

17 All outdoor lighting shall conform to the following shielding requirements:
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SHIELDING REQUIREMENTS		
Fixture Lamp Type	Residential Area Shielded	Commercial/Industrial Area Shielded
Low Pressure Sodium	Fully	Fully
High Pressure Sodium	Prohibited except fully shielded on streets	Fully
Metal Halide	Prohibited	Fully
Fluorescent	Fully	Fully
Quartz	Prohibited	Fully
Incandescent > 60 Watts	Fully	Fully
Incandescent 60 Watts or less	No requirement	No requirement
Glass Tubes filled with Neon, Argon, or Krypton	No requirement	No requirement
Mercury Vapor	Prohibited	Fully
Halogen	Prohibited	Fully
Searchlights for advertising purposes	Prohibited	Prohibited
Laser source light or similar light intensity light for advertising purposes	Prohibited when projected above the horizontal	Prohibited when projected above the horizontal

(e) Recreation Facilities: The following standards are applicable to all structures.

(1) There shall be no illumination of recreational facilities for private use between the hours of 11:00 p.m. and sunrise.

(2) There shall be no illumination of recreational facilities for public use unless the facilities are being utilized. The illumination must be turned off no later than 11:00 p.m. or one hour after the termination of the event and/or use, whichever occurs last.

(f) Primary Signs (Billboards) and Exterior Illuminated Accessory Signs: Lighting fixtures used to illuminate any new primary sign and exterior illuminated accessory signs shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this section.

(g) Exemptions: The following outdoor lighting fixtures are exempt from the requirements of this section:

(1) Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.

(2) All neon, argon or krypton outdoor lighting fixtures.

1 (3) All outdoor lighting fixtures on facilities or lands owned, operated, or
2 controlled by the United States Government or State of California. Voluntary compliance at
3 those facilities is encouraged.

4 (4) Emergency lighting operated by a public utility or agency during the
5 course of repairing or replacing damaged facilities.

6 (5) Emergency lighting and fixtures necessary to conduct rescue operations,
7 provide emergency medical treatment or address any other emergency situation.

8 (6) Provided there is no light pollution, or light trespass, or when the lighting
9 fixtures are regulated by motion detector, lighting fixtures within five (5) feet of an entrance or
10 exit door and/or alcove of a dwelling unit, not exceeding a height of eight (8) feet and a wattage
11 not exceeding 75 watts.

12 (7) Internally illuminated signs.

13 (8) Holiday lighting fixtures or displays.

14 (9) Architectural lighting whether it is freestanding or attached to a building
15 which does not exceed an intensity of 60 watts.

16 (10) Pedestrian lighting which does not have an intensity greater than 60 watts.

17 (11) Vertical lighting for properly displayed U.S. and State of California flags
18 which does not exceed an intensity of 140 watts.

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20 SECTION 5. Section 812.12089 of the San Bernardino County Code is
21 amended, to read:

22 **812.12089 Lighting, Outdoor.**

23 "Outdoor Lighting": The following outdoor lighting related terms are defined as follows:

24 (a) "Architectural Lighting": Lighting which is either directed towards a residence
25 with the intent of highlighting an architectural feature or a light fixture which is architecturally
26 ornamental in nature or purpose.

27 (b) "Attached Lighting": A light fixture that is attached to a building.
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1 (c) "Fixture": The assembly that holds the lamp and may include an assembly
2 housing, a mounting bracket or polo socket, lamp holder, ballast, a reflector or mirror and a
3 refractor or lens.

4 (d) "Freestanding Lighting": A light fixture which is not attached to a building.

5 (e) "Fully Shielded Fixture": Outdoor lighting fixture shielded or constructed so that
6 no light is emitted above the horizontal plane, and light rays are only emitted by the installed
7 fixtures in such a manner that do not direct light or light trespass onto adjacent property, on any
8 other property within the line of sight (direct or reflected) of the light source, or to any member of
9 the public who may be traveling on adjacent roadways or rights-of-way.

10 (f) "Glare": Direct and unshielded light striking the eye to result in annoyance,
11 discomfort or reduced visual performance to a reasonable person under the circumstances.

12 (g) "Holiday Lighting": Seasonal displays of 60 days or less within one calendar year,
13 using multiple low wattage bulbs (approximately 15 lumens or less) provided they do not
14 constitute a fire hazard, create a nuisance, and are maintained in a safe condition.

15 (h) "Lamp": The generic term for an artificial light source installed in the socket
16 portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a
17 "bulb".

18 (i) "Light Pollution": Artificial light generated and emitted into the night sky.

19 (j) "Light Trespass": Light from any outdoor lighting onto neighboring property or
20 property that is within a direct line from the light source that interferes with viewing of night sky,
21 eliminates the ability to have darkness on the such property or shines on any area on these
22 properties or structures. Any determination of light trespass shall be made through a
23 quantitative measurement utilizing a standard yard stick (3 ft x 11/2 in.). The yard stick shall be
24 placed at the building setback line in the complainant's yard. The yard stick shall be in contact
25 with the ground or may be raised to window level of the dwelling and in a vertical position. The
26 person taking the measurement shall then determine if a shadow is cast by the light source.
27 The light source, yard stick, and shadow must be in alignment. Measurements shall not be
28 taken when there is a moon in the night sky.

1 (k) "Night Sky": A clear sky, between dusk and dawn, with visible stars, despite
2 necessary or desired illumination of private and public property.

3 (l) "Partially Shielded Fixture": A fixture employing a top shield to reduce upward
4 light, but otherwise does not shield the lamp from view.

5 (m) "Pedestrian Lighting": Freestanding lighting fixtures not exceeding a height of
6 thirty-six (36) inches from ground grade level.

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8 SECTION 6. The Board of Supervisors hereby declares that it would have
9 adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion
10 thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or
11 portions thereof be declared invalid or unconstitutional. If for any reason any portion of this
12 ordinance is declared invalid or unconstitutional, then all other provisions hereof shall remain
13 valid and enforceable.

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15 SECTION 7. This ordinance shall become effective thirty (30) days after its
16 adoption.

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18 _____
19 DENNIS HANSBERGER, Chairman
Board of Supervisors

20 SIGNED AND CERTIFIED THAT A COPY OF THIS
21 DOCUMENT HAS BEEN DELIVERED TO THE
22 CHAIRMAN OF THE BOARD

23 J. RENÉE BASTIAN,
24 Clerk of the Board of Supervisors
of the County of San Bernardino

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26
27 STATE OF CALIFORNIA)
28)ss.
COUNTY OF SAN BERNARDINO)

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2 I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San
3 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
4 Supervisors of said County and State, held on the _____ day of _____, 2003 at
5 which meeting were present Supervisors:

6 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
7 to wit:

8 AYES:

9 NOES:

10 ABSENT:

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 Board of Supervisors this _____ day of _____, 2003.

13 J. RENEE BASTIAN,
14 Clerk of the Board of Supervisors of the County
15 of San Bernardino, State of California

16 _____
17 Deputy
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